

HARVEY ■ SISKIND LLP

December 17, 2007

Seth I. Appel

**VIA ELECTRONIC MAIL**

John Jason Gentry Mullins, Esq.  
5 Third Street, Suite 815  
San Francisco, CA 94103

Re: *Firestar Software, Inc. v. Red Hat, Inc.*  
Case No. C 07-80204 MISC MMC (EMC)  
U.S.D.C., Northern District of California

Dear Mr. Mullins:

This letter will memorialize our arrangement concerning your client's production of certain materials (the "Cocobase Files") that Red Hat, Inc. and Red Hat Middleware, LLC ("Red Hat") believe are relevant to their claims of prior art in their litigation against Firestar Software, Inc. ("Firestar").

Your client, Thought, Inc. ("Thought"), will produce the Cocobase Files for the internal review of Red Hat's counsel no later than December 24, 2007. These materials will be designated "Outside Counsel Restricted" pursuant to the terms of the Protective Order in place in the litigation.

In addition, Red Hat's counsel will not show the CocoBase Files produced by Thought, or any materials revealing the content thereof, to anyone outside the firms of Kilpatrick Stockton LLP and Harvey Siskind LLP, including outside expert consultants, without Thought's prior consent. After Red Hat's counsel finishes reviewing these materials, it will destroy all copies thereof. Red Hat and Thought will negotiate in good faith concerning the production of the Cocobase Files for the review of outside experts, if necessary.

Notwithstanding the above, Red Hat will provide the Cocobase Files to Firestar's counsel upon Firestar's counsel's written agreement that it too will limit its use of the materials to internal attorney review and destroy all copies after that review is completed. (In other words, Firestar must agree to the same restrictions as Red Hat.)

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This arrangement in no way affects the rights of Red Hat to require Thought to produce the CocoaBase Files or any other materials, for review by outside expert consultants and others, pursuant to any previously or subsequently issued subpoena or court order.

In light of the parties' arrangement, as outlined above, Red Hat and Thought agree to stipulate to the rescheduling of the hearing on Thought's motion to quash third party subpoena, or in the alternative, for a protective order, to February 6, 2008, at 10:30 a.m.

Sincerely,

  
Seth I. Appel

**Acknowledged and Agreed to  
On behalf of Thought, Inc.**

By: /J G Mullins/  
John Jason Gentry Mullins, Esq.

Date: December 17, 2007